

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

1730 K STREET NW, 6TH FLOOR  
WASHINGTON, D.C. 20006

August 27, 1986

SECRETARY OF LABOR,  
MINE SAFETY AND HEALTH  
ADMINISTRATION (MSHA)

v.

AMAX CHEMICAL COMPANY

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Docket No. CENT 84-91-M

BEFORE: Ford, Chairman; Backley, Doyle, Lastowka and Nelson,  
Commissioners

DECISION

BY THE COMMISSION:

In this civil penalty proceeding arising under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (1982), Commission Administrative Law Judge Gary Melick concluded that Amax Chemical Company ("Amax") violated 30 C.F.R. § 57.3-22 (1984) by failing to provide adequate support for loose ground (roof).<sup>1/</sup> 7 FMSHRC 447 (March 1985) (ALJ). We granted Amax's petition for discretionary review and heard oral argument. On the bases that follow, we affirm.

<sup>1/</sup> This mandatory ground control safety standard, which applies to metal-nonmetal underground mines, provides:

Miners shall examine and test the back, face, and rib of their working places at the beginning of each shift and frequently thereafter. Supervisors shall examine the ground conditions during daily visits to insure that proper testing and ground control practices are being followed. Loose ground shall be taken down or adequately supported before any other work is done. Ground conditions along haulageways and travelways shall be examined periodically and scaled or supported as necessary.

30 C.F.R. § 57.3-22 (1984) (emphasis added). In 1985, this provision was renumbered as 30 C.F.R. § 57.3022 but its wording was not changed.